

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JESSE ARON ROSS,

Plaintiff,

v.

BRIAN WILLIAMS, *et al.*,

Defendants.

Case No. 2:21-cv-00630-APG-EJY

**ORDER**

This action began with a *pro se* civil rights Complaint filed under 42 U.S.C. § 1983 by Plaintiff, an inmate in the custody of the Nevada Department of Corrections. Plaintiff paid the filing fee in this matter. ECF No. 10. The Court entered a Screening Order on February 27, 2022 (ECF No. 20) permitting Plaintiff's Eighth Amendment unconstitutional conditions of confinement against Brian Williams, Alfonso Alvarez, Calvin Johnson, Harold Wickhama, Charles Daniels, and Steve Sisolak to proceed. Plaintiff's First Amendment retaliation claim was also permitted to proceed against Alfonso Alvarez, Dean Ontiveros, and Harold Wickham. The Court imposed a 90-day stay to provide the parties an opportunity to settle this matter. *Id.*

On March 21, 2022, the Court entered an Order in which the parties were assigned to mediation by a court appointed mediator. ECF No. 24. A settlement was not reached. ECF No. 27.

**IT IS THEREFORE ORDERED** that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this Order and Plaintiff's Third Amended Complaint (ECF No. 21) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Subject to the findings of the Screening Order (ECF No. 20), within **21 days** of the date of entry of this Order, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the

1 defendants for whom it does not accept service, and (c) the names of the defendants for whom it  
2 is filing the last-known-address information under seal. As to any of the named defendants for  
3 whom the Attorney General's Office cannot accept service, the Attorney General's Office shall  
4 file, *under seal*, but shall not serve the inmate Plaintiff the last known address(es) of those  
5 defendant(s) for whom it has such information. If the last known address of the defendant(s) is a  
6 post office box, the Attorney General's Office shall attempt to obtain and provide the last known  
7 physical address(es).

8 3. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file  
9 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying  
10 a full name and address for the defendant(s). For the defendant(s) the Attorney General's Office  
11 cannot provide last-known-address information, Plaintiff shall provide the full name and address,  
12 if known, for the defendant(s).

13 4. If the Attorney General's Office accepts service of process for any named  
14 defendant(s), such defendant(s) shall file and serve an answer or other response to the Third  
15 Amended Complaint (ECF No. 21) within **60 days** from the date of this Order.

16 5. Service must be perfected within 90 days from the date of this Order under Rule  
17 4(m) of the Federal Rules of Civil Procedure.

18 6. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by  
19 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for  
20 consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-  
21 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-  
22 1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall  
23 include with the original document submitted for filing a certificate stating the date that a true and  
24 correct copy of the document was mailed to the defendants or counsel for the defendants. If  
25 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
26 named in the notice of appearance, at the physical or electronic address stated therein. The Court  
27 may disregard any document received by a district judge or magistrate judge which has not been  
28

1 filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk  
2 which fails to include a certificate showing proper service when required.

3 7. This case is no longer stayed.

4  
5 DATED this 17th day of June, 2022.

6   
7 ELAYNA J. YOUCHAK  
8 UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28